

ENTERED

December 07, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AMERICAN TECHNOLOGIES, INC.,

Plaintiff,

VS.

COPPERTREE APARTMENTS LLC; dba
COPPERTREE INVESTMENTS II LLC, *et al*,

Defendants.

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CIVIL ACTION NO. 4:19-CV-1037

ORDER ADOPTING MEMORANDUM AND ORDER

Pending before the Court in the above referenced proceeding is Third-Party Defendant AmWINS Brokerage of Alabama's Reurged Motion to Dismiss (Doc. No. 34, 60); the Response (Doc. No. 46); Reply (Doc. No. 47); and Judge Stacy's Memorandum and Recommendation (Doc. No. 64) that the Court grant the Movant's Motion. No objections were filed to the Memorandum and Recommendation and the time for doing so has passed.

Upon review, the Court agrees with the Magistrate Judge's conclusion that Defendant/Third-Party Plaintiff's claims against Third-Party Defendant AMWINS Brokerage of Alabama are not proper third-arty claims under Rule 14, Federal Rules of Civil Procedure. Accordingly, it is hereby

ORDERED that the Memorandum and Recommendation (Doc. No. 64) **ADOPTED**. Third-Party Defendant AmWINS Brokerage of Alabama's Reurged Motion to Dismiss (Doc. No. 34) is **GRANTED**. It is further

ORDERED that Triumph's third-party claims against AmWINS are **DISMISSED** without prejudice.

SIGNED at Houston, Texas, this 7th day of December 2021.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', is written above a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE